

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES

:

v.

:

05 CR. 71 - JJF

LAMAR HAMMOND

:

MOTION TO EXTEND TIME FOR DEFENDANT'S
RESPONSE TO PRE-SENTENCE MEMORANDUM

AND NOW, comes the within Defendant, Lamar Hammond, by Larrick Stapleton, Esq., his counsel and moves this Court to extend the time within which Defendant may file objections or otherwise respond to the Presentence Memorandum, and in support states as follows:

1. Your Petitioner was heretofore appointed by this Court as counsel for the within Defendant, Lamar Hammond.
2. On May 31, 2006, entered a plea of guilty to possession of illegal drugs with intent to distribute.
3. The United States Probation Office thereafter prepared and has filed a Presentence Investigation Report, to which a response would normally be due from the Defendant on or before September 15, 2006.
4. As of the date hereof, your Petitioner has still been unable to obtain all of the Defendant's relevant prior medical and treatment records in spite of having promptly undertaken to secure the same. Because of the new and expanding implications of the HIPPA Act, certain relevant agencies have requested various individualized forms of release, all of which have been timely executed and file.



5. As of the date hereof, certain potentially relevant records have not as yet been received.

6. In addition, as set forth in the application for a Sealing Order heretofore approved by this Court on August 16, 2006, Defendant had been cooperating with both Federal and State authorities. On September 6, 2006, Petitioner was advised by the United States Attorney that the Wilmington, Delaware police had concluded to pursue more thoroughly certain information Defendant had previously supplied relating to a heretofore unsolved murder.

7. As a consequence, the United States Attorney has requested further meetings between the Defendant and the City Police regarding such matter, which are now scheduled to commence on September 11, 2006.

8. Petitioner believes that it would be critical to the due and complete response to the pre-sentence Memorandum to await the receipt of the noted requested medical records and the results of the further meetings of the Defendant with local authorities.

9. In addition, the United States Attorney has informally requested agreement to a continuation of the scheduled sentencing on September 22, 2006, to which your Petitioner's counsel has agreed. It is further believed that there is no opposition to grant of the prayer of the instant petition.

10. All of the facts set forth herein are based upon your Petitioner's personal knowledge and/or the best of his knowledge, information and belief and your Petitioner avers that they are truthful and correct.

10. Your petitioner is hand delivering a copy of the instant application to the offices of the United States Attorney on even date by hand delivery and has advised the United States

Probation Office of intent to make the within application by advise to Jean Lubinsky, of that office.

WHEREFORE, Petitioner requests that the time within which Defendant must respond to the Presentence Memorandum under Rule 32 be extended until October 12, 2006.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read 'L. Stapleton', is written over a horizontal line.

Larrick Stapleton, Esq.
Counsel for Petitioner
50 Rittenhouse Place
Ardmore, Pa. 19003
610-649-8200

September 6, 2006

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FOR THE DISTRICT OF DELAWARE**

UNITED STATES

v.

LAMAR HAMMOND

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ORDER

AND NOW, this day of September, 2006, in the interests of justice, and upon consideration of the within Motion, it is hereby

ORDERED that the time within which the Defendant may object or otherwise respond to the pre-sentence Memorandum prepared by the United States Probation Office, originally fixed to expire on September 15, 2006, shall be extended until October 12, 2006.

BY THE COURT:

Hon. JOSEPH J. FARNAN
UNITED STATES DISTRICT JUDGE